

# MICHIGAN CONGRESSIONAL JUDICIARY COMMITTEE

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## Senate Bill 1027

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*Written Testimony by Andrew Dombrowski – Citizen – Former Development Coordinator for The Listening Ear in Lansing MI.*

Mr. Chairman and committee members thank you for allowing me to write expressing support on Senate Bill 1027. I'm very grateful.

I would like to give a real life example of why Senate Bill 1027 was created and why it is imperative that it passes in your committee. My name is Andrew Dombrowski and I was a crisis counselor and the development coordinator at The Listening Ear in Lansing MI. The Listening Ear is a nonprofit organization that runs a 24/7 crisis hotline and provides free counseling and advocacy for those directly and indirectly affected by sexual assault. I joined the organization because I wanted to be able to help individuals work through their crisis knowing that I was a passionate and caring resource for them to reach out to when they felt no one else was listening.

On May 1st 2016, I was applying for The Listening Ear to become a certifying organization for the Presidential Volunteer Service Award, a national award that would honor members within the Ear for the countless hours they give volunteering. In order to finish the application, I had to supply the center coordinator's year of birth. I had asked the center coordinator for his birthday on two previous occasions but he failed to respond to my requests. Knowing that he lived in Lansing, I typed his name followed by Lansing MI into google. After hitting enter I found out that the center coordinator of The Listening Ear was a registered sex offender. A sex offender that had been convicted of two counts of Criminal Sexual Conduct in the 2<sup>nd</sup> Degree for crimes against a child thirteen or younger. In the following days I found out there were two more sex offenders within the organization. One was a man that had been convicted of CSC in the 3<sup>rd</sup> degree causing physical injury to a victim aged thirteen to fifteen, and the other was a man convicted of 1<sup>st</sup> Degree CSC with multiple variables. He was released from prison less than six months before joining the Ear.

I immediately took action informing the organization's staff coordinator and long standing Ear's with decades of commitment to the organization. I was told by leadership that I was breaking The Listening Ear's confidentiality clause if I told anyone about sex offenders being on staff. These members did not care that these individuals were

working for the Ear. In fact, they encouraged it. These leaders chose to protect these sex offenders over the safety of their clients, minors, and community members.

Let me tell you what's concerning about sex offenders being within the Listening Ear. The Ear provides a 24/7 crisis hotline with a range of different types of calls. Rape and sexual assault calls are both handled by The Listening Ear. Also, along with the hotline, the Ear has walk-in clients. Anyone can walk-in and speak with a crisis counselor if they wish. When an Ear volunteer is on shift they are responsible for the building and there are times when there is only one person there. There are other times where an Ear could be sharing a shift with a minor.

Sex offenders were working shifts alone in the building and had the opportunity to work with minors. That means they could be taking sexual assault calls, counseling walk-in clients, be alone with a minor unaware of their sex offender status, and have access to the names and phone numbers of sexual assault survivors who asked for counseling. There was absolutely no over-site of these sex offenders. The Listening Ear put every sexual assault survivor who gave their name and number at risk and every minor, volunteer, and client using the Ear's services at risk. This is the problem!

After I informed the board chair of the sex offenders within the organization we decided that an emergency board meeting was necessary to address the issue and to review current policies and procedures in our bylaws. After the board chair sent out information for the emergency meeting I received numerous demeaning emails, text messages, voicemails, and social media messages from leaders within the organization. I was told they could have me removed from the organization. I was told I was breaking the law. I was told that I was breaking confidentiality. I was told many things, all in an attempt to silence and scare me into not speaking out against the safety violations I saw with sex offenders advocating and counseling sexual assault survivors. This organization did not want their staff, clients, and minors to know sex offenders were currently within The Listening Ear.

For five days I received demeaning messages from within the organization and I spoke with the board chair about the malicious attacks. She responded by telling me that she too was receiving the same type of messages. We both decided that at the board meeting we would give our statements to the board and would be resigning from The Listening Ear. Too many people in leadership were already aware of the sex offenders and it seemed they would do anything to silence the board chair and myself.

The emergency board meeting took place on May 11th at 6PM. I spoke to the board on the liability of having these sex offenders on staff, the moral and ethical dilemmas for not informing clients that the organization allows sex offenders to work with them, and the negligence of letting minors, both clients and volunteers, be around these sex offenders without knowledge of their backgrounds.

On May 12<sup>th</sup>, the board sent out an email to all Listening Ear staff telling them what the emergency board meeting was about. The problem with the email was that it didn't inform staff of sex offenders being apart of the organization. Part of the email stated, "If a staff member takes a risk to disclose something personal about their past we support them and their self disclosure and respect the risk they took."

It was clear after reading that email that the leaders at The Listening Ear were not willing to be honest and open with their own staff, let alone the minors and sexual assault survivors that use their services. So within an hour of the board's email, I sent my own email to The Listening Ear staff stating that my concerns at the meeting had gone unheard and included a copy of my speech for all members to read.

In the following days, the Capital Area Sexual Assault Response Team (CASART) was informed of the sex offenders within The Listening Ear and held a meeting with Ear reps to discuss the situation. The CASART team is made up of community organizations, police officers, the Ingham County Prosecutors office, and members of Sparrow Hospital in Lansing. The CASART team encouraged The Listening Ear to remove the three sex offenders and to start running background checks on individuals volunteering within the organization. CASART offered policy templates, assistance running background checks, and any other assistance the Ear needed to make the change happen smoothly. The Listening Ear shut down the assistance stating they believe in here and now behaviors and not past offenses. They were firm in their decision to keep the sex offenders. Again, what about the minors and survivors of sexual assault?

In an email sent out May 26<sup>th</sup>, a leader, now board member, from the Ear told staff that they would be discussing a new non-discrimination policy at the next staff meeting. A policy to be put into the bylaws to allow sex offenders to remain on staff by stating they would not discriminate against past criminal convictions. The organization had no intention of changing their policy and no intention of informing their clients of sex offenders being within the Ear.

Twenty-two days passed before The Listening Ear sex offender scandal broke in the news. The board chair and I took every possible avenue to get The Listening Ear to put the minors and survivors of sexual assault first, but the Ear decided that their staff was more important than the clients and community they serve. The Listening Ear did not take any action until the the story broke in the news.

On June 18<sup>th</sup>, I received an email that was sent out to staff. Please note this email was sent out thirteen days after The Listening Ear told the community they had a new policy in place on running background checks. The email was discussing the new background check policy that The Listening Ear was going to pass within the next few staff meetings. I received a revised background check policy update on July 6<sup>th</sup> from a

member within the organization and the new policy passed on July 7<sup>th</sup> through staff consensus.

The policy seems to be an improvement stating, "Individuals listed on the sexual offender registry will be excluded from any participation at the Listening Ear." But, even with The Listening Ear's new proposed policy, nothing prevents them from allowing sex offenders back onto staff with minors and sexual assault survivors because no law requires them to enforce it. This organization has given no indication on keeping to their word and provides no transparency to the community about what is going on behind the scenes. Their secrecy does not align with the values of what a nonprofit should stand for. If Senate Bill 1027 does not pass in your committee, The Listening Ear could still allow sex offenders to work with minors and advocate and counsel survivors of sexual assault without any clients or minors knowing.

One in four women and one in seven men over the age of eighteen are sexually assaulted in the United States. There are over forty-two million adult survivors of child sexual abuse in the U.S. Over ninety percent of those sexual assaults go unreported. When a survivor of sexual assault has the courage to seek help after having their body violated and identity stolen; that individual needs the State's protection.

The problem here today doesn't stem with how sex offenders have bettered their lives since their convictions, the problem here today lies with how having these individuals within organizations like The Listening Ear creates a conflict of interest and an unsafe environment for minors and sexual assault survivors seeking help.

The Listening Ear is one example of not protecting some of our most vulnerable populations. There could be others throughout Michigan because no law, as of now, prevents sex offenders from working directly with minors and survivors of sexual assault. That's a terrifying truth that we are facing in our State.

I ask you to pass Senate Bill 1027 in committee to protect two of our vulnerable populations and to create positive environments for our minors and survivors of sexual assault. Please take action to prevent re-traumatizing these survivors. Give them peace of mind that when they have the courage to seek help, they will not be speaking with an individual that has been convicted of the same type of crime that has caused them so much pain. I thank you for the opportunity to write to you today.